IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 528 of 2000

The State of Maharashtra ... Appellant

V/s

1. Gopal Vithoba Kadam (Ghabale)

deceased by heirs:

a) shri Gunvant Gopal Kadam

b) Snmt.Housabai Gopal Kadam .. Respondents

Shri B.R.Patil AGP for Appellant

Shri T.S.Ingale for Respondent

CORAM:D.G.DESHPANDE,J.

DATED: 2nd March 2005

ORAL JUDGMENT :-

1. Heard the learned AGP for the Appellant and Mr.Ingale for claimant. This appeal is filed by the State for challenging the order of the Reference Court - IInd Joint Civil Judge, S.D., Sangli dated 21-6-1995, enhancing compensation awarded to the claimant by SLAO in Land Acquisition proceedings from

Rs.16,000/- to Rs.34,000/- per hectare. The appellant-State challenged the said enhancement rate in the present appeal.

2. Even after hearing the learned AGP for the appellant, I do not find any cause to this Court to interfere with the impugned order.

3. The Reference court found that though there were 5 sale instances, the SLAO did not consider any of them and also did not give any reason for not considering the same. The Reference Court therefore took into consideration one of such instances dated 10-4-1995 which was in the proximity of Notification under Section 4 dated 20-5-1985. In that sale, the price of the land is Rs.31,250/-. Further the Court found that in the claimant's evidence he has proved that acquired land was situated about half kms from the village and towards eastern and western side of the acquired land, there are two tar roads, one leading from Borgaon to Walva and other from Borgaon to Khed. Therefore on that count the Reference Court fixed the compensation at Rs.34,000/- per hectare.

4. The reasoning given by the Reference Court for enhancing compensation requires no interference by this court. I do not find any merit in this appeal and the same is dismissed. No order as to costs.

(D.G.DESHPANDE,J.)